

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

AVA SOLOMON,

Plaintiff,

vs.

ALLSTATE INSURANCE IDEMNITY  
POLICY 000000886169059,

Defendant.

**8:23CV207**

**MEMORANDUM AND ORDER**

Plaintiff Ava Solomon faxed to the Clerk's office of this Court the documents attached to this order. The documents consist of various Nebraska State Court Forms, are captioned "In the District Court of Douglas County, Nebraska," and include the case number for the present case. Plaintiff faxed a Complaint and two motions to proceed in forma pauperis on May 22, 2023, which the Court docketed in this case. See [Filing Nos. 1, 2, & 3](#). The Court entered a Memorandum and Order on May 30, 2023, granting Plaintiff leave to proceed in forma pauperis in this case and specifically informed her that, pursuant to the Court's local rules, "all future filings she makes into this case must be made via hand delivery, United States postal mail, or by registering for electronic case filing ("CM/ECF") access." [Filing No. 6 at 1–2](#) (citing NECivR [5.1\(c\)](#) and NEGenR [1.3\(b\)](#)).

Contrary to the Court's specific instructions, Plaintiff has faxed the documents attached to this order. Additionally, though the documents reference the present case, it seems Plaintiff may have intended these documents to be filed in state court, specifically in the District Court of Douglas County, Nebraska located at 1701 Farnam Street, Hall of Justice, Omaha, Nebraska 68102. *This Court is the United States District*

*Court for the District of Nebraska.*, and if Plaintiff intends to file documents in this Court then she must caption them with this Court's name. See Fed. R. Civ. P. 10(a). Accordingly, the Court will return the attached documents to Plaintiff because: (1) Upon review, the documents do not appear to be in the form required by Federal Rule of Civil Procedure 10, the local rules of this Court, and this Court's May 30, 2022 Memorandum and Order, [Filing No. 6](#), as Plaintiff faxed the materials to the Court; and (2) it appears Plaintiff sent the materials to the wrong court as the documents are captioned in the District Court of Douglas County, Nebraska.

Also, the Court will specifically inform Plaintiff that the Court will not accept any future faxed documents she submits for filing in this case or otherwise. "A document is not filed under the Federal Rules of Civil Procedure until the filing party receives a System generated NEF after uploading the document to the System. **A document faxed or e-mailed to the clerk or assigned judge is not considered filed without a court order.**" NECivR [5.1](#)(c) (emphasis added). If Plaintiff wishes to file documents electronically in this case, then she should register for CM/ECF access. NEGenR [1.3](#)(b).

IT IS THEREFORE ORDERED that:

1. The Clerk of the Court return the attached materials to Plaintiff Ava Solomon.
2. **The Court warns Plaintiff that if she wishes to file a document in this Court, such filing must be made via hand delivery, United States postal mail, or by registering for electronic case filing ("CM/ECF") access. A document faxed or**

**e-mailed to the Clerk or the undersigned will be returned to Plaintiff and will not be filed.**

Dated this 13th day of June, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read "JF Bataillon", with a stylized initial "JF" and a long horizontal flourish.

Joseph F. Bataillon  
Senior United States District Judge